

Birmingham City Commission - Special Workshop Meeting Minutes
Monday, June 14, 2021

6:30 p.m.

Virtual Meeting

Meeting ID: 655 079 760

Vimeo Link: <https://vimeo.com/event/3470/videos/554567339/>

Workshop Session

This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to participate in a discussion regarding short-term Rentals.

I. Call to Order

Pierre Boutros, Mayor

II. Roll Call

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Boutros (location: Birmingham, MI)
Mayor Pro Tem Longe (location: Birmingham, MI)
Commissioner Baller (location: Birmingham, MI)
Commissioner Hoff (location: Birmingham, MI)
Commissioner Host (location: Birmingham, MI)
Commissioner Nickita (location: Birmingham, MI)
Commissioner Sherman (location: Birmingham, MI)

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Building Official Johnson, City Attorney Kucharek

III. Presentation & Discussion

CM Markus introduced the item.

A. Presentation

BO Johnson and CA Kucharek presented.

B. Discussion

In response to Commission discussion, Building Official Johnson explained:

- Licensed rentals are permitted a maximum number of occupants. If the City were notified that the number of occupants in a rental exceeded the maximum occupancy, they would start by contacting the property owner and conducting an inspection of the rental property. Issues of overcrowding can be somewhat difficult to enforce, but have been infrequent in the City thus far.

- The City has begun tracking short-term rentals via the properties' addresses. For longer-term rentals, a real estate agent in Birmingham sends the City newly-listed rental properties every month and the City reaches out to those properties not yet licensed with the City.
- Birmingham ordinances prohibit renting out an accessory dwelling unit (ADU) because it would create a multi-family property in a single-family zone. ADUs cannot be rented out because the zoning ordinance requires that they are only to be occupied by someone who has their main living quarters in the house.
- All of the City's residential districts permit up to two boarders without the need for a license.

CA Kucharek noted:

- Short-term and long-term rentals must be treated the same.
- The City has not had complaints about specific properties that turned out to be unlicensed short-term rentals.
- The City already has many tools available in its codes and ordinances for making sure that short-term rentals do not infringe on the health, safety and welfare of the community. In addition, Birmingham's codes and ordinances have sufficient penalties available for encouraging compliance.
- In her 24 years as a prosecutor, she never prosecuted a short-term rental matter. Only a handful of long-term rental properties ever received misdemeanor tickets. The goal overall is always to encourage compliance with codes and ordinances.
- She could not comment on whether homeowners' associations could ban short-term rentals since that process would not be a City matter.

CM Markus said the City would continue its work on noticing not-yet-licensed short-term rentals to get them licensed with the City.

CA Kucharek recommended that residents reach out to their state representatives to encourage them to take a close look at current bills regarding short-term rentals. She said some of the proposals could strip municipalities of their abilities to regulate any rentals and could possibly take away municipalities' licensing ability. She stated that the Michigan Municipal League has a publication available on their website that offers both further information on the matter and contact information.

Commissioner Baller said that some people may not be aware that they have to license their short-term rentals with the City. He recommended the City use its newsletters and other means of communication to publicize the need for short-term rental licensing. He said he would also like to find a way to address some residents' concerns about short-term renters, though he stated he was not yet sure how to do that.

CM Markus said part of the issue seemed to arise from the commercial aspect of short-term rentals occurring in a residential neighborhood.

IV. Public Comment

In reply to Jack Burns, BO Johnson confirmed that a lease of a residential property would be subject to the same requirements as short-term and long-term rentals.

In reply to David Bloom, CA Kucharek said it would be most appropriate for residents to reach out to their representatives to voice their concerns regarding the short-term rental bills now. She said she could not comment on whether legal action regarding the matter might be appropriate in the future since it would be specific to the facts and circumstances at the time. She confirmed that the City has been also been expressing its concerns regarding the bills.

Andrew Haig asked that information on where to lodge complaints regarding the short-term rental bills be included with the minutes. The city maintains those contacts on the following page: <https://www.bhamgov.org/government/state.php>

In reply to Mr. Haig, CA Kucharek said that in her opinion short-term rentals are indeed a commercial use of property. She explained that so far the state legislature and state courts had disagreed with that assessment, however.

CM Markus said the proposed legislation was inappropriate since it tries to apply a one-size-fits-all approach to municipalities with a variety of different needs in regards to short-term rentals. He said it would be a disservice to not respect the home-rule rights of the individual communities.

V. Adjourn

Mayor Boutros adjourned the meeting at 7:30 p.m.



Alexandria Bingham, City Clerk
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